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August 4, 2018

Kevin M. Carnie Jr., Esq.
800 Market Street. Suite 1700
St. Louis, MO. 63101

RE: Ivey, Mark
Our file: 1571

Dear Mr. Carnie:

You have retained me as an expert and consultant in forensic pathology for the above referenced case. I have reviewed reports, photographs and depositions pertaining to the death of Mr. Mark Ivey who was pronounced dead in the State of Missouri on the 22nd of July of the year 2016. You have further requested that I write an opinion letter stating my credentials and giving my expert opinion as the cause and manner of death.

Credentials

I am a practicing forensic pathologist. I have been in practice for nearly 20 years. As such I have performed 9000 post-mortem examinations and testified in circuit court in approximately 400 occasions. I have also provided testimony in depositions in excess of 100 times. I finished training in forensic pathology at the office of the chief medical examiner in the city and county of Philadelphia, Pennsylvania in affiliation with the Medical College of Pennsylvania (now Drexel) from 1999-2001. Before that I trained in anatomic pathology at Conemaugh Memorial hospital in affiliation with Temple University in the city of Johnstown, Pennsylvania. I attended medical school in my native country, Dominican Republic where I obtained MD degree and went unto pursuing training in the U.S. after being certified by the educational commission for foreign medical graduates

**PLAINTIFF'S
EXHIBIT**

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I am certified by the American Board of Pathology in Anatomic and Forensic pathology. From January 2012-2017 I held a faculty appointment with the University of Michigan School of medicine. As of July 2017 I hold a faculty appointment at George Washington university school of medicine. I have active licenses in the District of Columbia, Michigan, Ohio and Pennsylvania.

I have published numerous original articles in peer reviewed journals and presented in local, regional, national and international conferences. My curriculum vita is attached.

Records Reviewed

I have reviewed the following records:

- Rule 26 disclosures
- Audrain county disclosures
- Hildebrand disclosures
- Responses
- Interrogatories
- St Mary`s Hospital record
- Medical Examiner report
- Post-mortem toxicology report
- Audrain county jail records
- Jail video

Opinion and Summary

Mr. Mark Ivey was a thirty-year-old male who was pronounced dead in the State of Missouri on the 22nd of July of the year 2016.

Approximately two days prior to his death Mr. Ivey was taken for evaluation to a medical facility on the 20th of July of 2016. Said medical evaluation found that the patient had shortness of breath and on physical examination he had audible wheezing. Radiologic studies determined that Mr. Ivey had obstructive airway disease. During the medical evaluation Mr. Ivey was found to have drug withdrawal symptoms. As treatment he was given Haldol and was found to be fit for confinement with the recommendation to check on him every 15 minutes.

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Mr. Ivey was found unresponsive on his jail cell on the early morning hours of the 22nd of July of 2016.

A complete autopsy was performed at the Boone County office of the medical examiner just a few hours after his demise.

The pathologist who performed the autopsy determined that the cause of death was “acute asthma exacerbation”. As a practicing forensic pathologist and medical examiner I agree with said finding and determination for the following reasons:

On autopsy Mr. Ivey’s lungs were found to be hyperinflated with a combined weight of 1640 grams.

On microscopic examination the pathologist observed that Mr. Ivey’s lungs contained: mucous plugs, goblet cell hyperplasia, thickened and homogenized basement membrane, sub-serosal infiltration with eosinophils and smooth cell hyperplasia.

Both, the gross autopsy findings and the microscopic examination of the lungs confirmed the diagnosis of acute asthma.

In plain terms Mr. Ivey died because of asthma which is nothing more than narrowing of the lower airways as a result of mucous plugs in the bronchi. That is why the main symptom of asthmatics is “wheezing” because the pushed air produces a wheezing sound due to the narrowness of the airway.

Death due to asthma is, in essence, an asphyxia type death because the narrowed airways cannot exchange air in an efficient manner.

It is my opinion that Mr. Ivey died as a result of acute asthma as corroborated by the autopsy findings.

It is also my opinion that drug withdrawal symptoms were a contributing factor on Mr. Ivey’s death for the following reasons:

On a video of his jail cell before he went unresponsive the observer can clearly see a physical chain of events characteristic of withdrawal symptoms such as restlessness, insomnia and dysphoria. The observed relentless physical behavior because of withdrawal symptoms contributed to the lack of oxygen to his brain and therefore it is, in my opinion, a significant contributor in his demise.

All the opinions proffered by me are based on my education; training and experience are with a reasonable degree of medical certainty. I reserved the right to modify the opinions if new information arises.

Cordially,



Francisco J. Diaz, MD FCAP